

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DONOVAN EVANS

PLAINTIFF

v.

CIVIL ACTION NO.: 3:20-CV-00533-DPJ-JCG

CITY OF JACKSON, MISSISSIPPI

DEFENDANTS

ORDER

This cause is before the Court on the Report and Recommendation [40] of the United States Magistrate Judge John Gargiulo. Magistrate Judge Gargiulo recommended denying the City of Jackson's motion to dismiss the Plaintiff's Complaint for insufficient service of process [28]. As correctly noted by Judge Gargiulo, “[t]he delay in service is attributable to the delay in approving Plaintiff's [in forma pauperis] application.” R&R [40] at 3. The City of Jackson has not filed an objection, and the time to do so has passed.

The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate, finds that the Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [40] of United States Magistrate Judge John C. Gargiulo be adopted as the finding of the Court. Defendant's motion to dismiss [28] is denied.<sup>1</sup>

**SO ORDERED AND ADJUDGED** this the 23rd day of August, 2021.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Evans has sent a letter [42] informing this Court that he did not receive a mailed copy of a previous motion. The Court's docket reflects that copies of all orders have been mailed to Evans at his present address at the Madison County Detention Center. However, out of an abundance of caution, the Court mailed copies of the R&R [40] and the July 20, 2021 Text-Only Order to him on August 17, 2021.